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26 *Attorneys for Plaintiffs LPL Financial, LLC and*
27 *William Hastie*

28 **UNITED STATES DISTRICT COURT**

19 **NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE**

20 LPL FINANCIAL, LLC, a California
21 limited liability company; and
22 WILLIAM HASTIE, an individual,

Case No. C-13 1207 HRL

23 Plaintiffs,

STIPULATION AND [PROPOSED] ORDER TO
REMAND REMOVED ACTION

v.

24 MIKE T. BRILEY, et al.,

25 Defendants.

26
27 IT IS HEREBY STIPULATED by and between the plaintiffs LPL Financial, LLC, and
28 William Hastie ("Plaintiffs") on one hand, and defendants Michael T. Briley, Steve Shearn, F.

1 Warren Wayland, Hayashi & Wayland Accounting and Consulting, LLP, Hayashi & Wayland
2 Retirement Plan Services, Hayashi & Wayland Administrative and Insurance Services, Inc.,
3 Hayashi & Wayland Investment Services, LLC, and Leigh Jeter (“Defendants”) on the other
4 hand, (collectively “Parties”), through their respective attorneys of record as follows:

5 **STIPULATION**

6 1. On December 31, 2012, Plaintiffs commenced an action in the Superior Court of
7 the State of California in and for the County of Monterey entitled *LPL Financial, LLC, and*
8 *William Hastie vs. Mike Briley, et al.*, case number M121336 (the “Action”).

9 2. On January 11, 2013, the Defendants accepted service of the Complaint.

10 3. On or about January 30, 2013, the Defendants accepted service of the First
11 Amended Complaint, to which the Defendants filed an Answer on March 15, 2013.

12 4. On March 19, 2013, the Defendants filed a Notice of Removal of the Action to this
13 Court, pursuant to U.S.C. §1441(b) based on Plaintiffs’ claim of computer fraud under 18 U.S.C.
14 §1030(a).

15 5. On March 21, 2013, the Defendants completed the removal process by filing a
16 conformed copy of the Notice of Removal with Monterey County Superior Court.

17 6. On September 23, 2013, the parties filed a Stipulation and [Proposed] Order with
18 this Court pursuant to which the Defendants stipulated that Plaintiffs may file a Second Amended
19 Complaint that omitted Plaintiffs’ claim for computer fraud under 18 U.S.C. §1030(a) (“SAC”).

20 7. On October 8, 2013 honorable magistrate judge Howard R. Lloyd entered an
21 Order permitting Plaintiffs to file the SAC.

22 8. On October 8, 2013, Plaintiffs filed the SAC with this Court, which omitted the 18
23 U.S.C. § 1030(a) claim and, in turn, the basis for this Court’s jurisdiction over the Action.

24 **THEREFORE, IT IS HEREBY STIPULATED BETWEEN THE PARTIES THAT:**

25 9. The Action should immediately be remanded to the Monterey County Superior
26 Court.

27 10. Each Party shall bear his/her/its/their own attorneys’ fees and costs with respect to

1 the removal and subsequent remand of the Action pursuant to this stipulation.
2

3 11. This Stipulation moots all pending deadlines, and hearings in this case should be
4 taken off the Court's calendar.

5 12. This Stipulation shall not be construed as an admission or statement that the
6 Action was improperly removed to federal court.

7 Dated: 10/3/2013

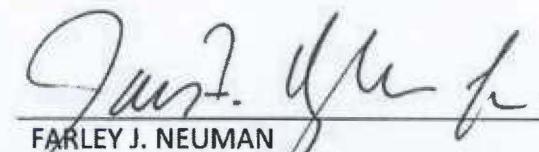


DAVID S. MARKUN

MARKUN ZUSMAN FRENIERE & COMPTON LLP

Counsel for Plaintiffs

11 Dated: 10/3/2013



FARLEY J. NEUMAN

GOODMAN NEUMAN HAMILTON LLP

Counsel for Defendants

ORDER

THE COURT, HAVING REVIEWED THE STIPULATION AND HAVING DETERMINED THAT GOOD CAUSE EXISTS, ORDERS AS FOLLOWS:

1. The Parties' Stipulation is approved;
 2. Northern District of California case number C-13 1207 HRL; titled *LPL*

FINANCIAL LLC AND WILLIAM HASTIE V. MIKE T. BRILEY, et al.; is hereby remanded to the Superior Court of California, County of Monterey. 

IT IS SO ORDERED.

Dated: October 16 , 2013

HON. HOWARD R. LLOYD
UNITED DISTRICT COURT MAGISTRATE JUDGE